

**THE CITY OF FREDERICK  
MAYOR AND BOARD OF ALDERMEN**

**ORDINANCE NO: G-21-03**

**LEGISLATIVE HISTORY**

**PLANNING COMMISSION**

**PUBLIC HEARING:** October 12, 2020  
November 9, 2020

**RECOMMENDATION  
LETTER SUBMITTED  
TO MAYOR & BOARD:** December 9, 2020

**MAYOR & BOARD OF ALDERMEN**

**WORKSHOP:** December 9, 2020

**PUBLIC HEARING:** January 7, 2021  
March 4, 2021

**AN ORDINANCE** concerning the zoning of ±2.69 acres of property located at 423A, 423B, and 423 ½ East Patrick Street

**FOR THE PURPOSE** of amending the official zoning maps to rezone a certain parcel to the Mixed Use (MU-2) floating zone; to expand the Carroll Creek Overlay (CCO) district to include a portion thereof; and generally relating to the zoning of such parcel

**BY** repealing and reenacting, with amendments,

Section 402  
Appendix A, "Land Management Code"  
The Code of the City of Frederick, 1966 (as amended)

**BACKGROUND**

This ordinance pertains to a parcel of land known and identified as 423A, 423B, and a portion of 423 ½ East Patrick Street (hereinafter collectively the "Property"). The official zoning maps, as incorporated by reference into the Land Management Code (LMC), indicate that the property located at 423A East Patrick Street is zoned Downtown Commercial/Residential (DB). It is a part of the Carroll Creek Overlay (CCO) district and the Airport Overlay (AO) district. The properties located at 423B East Patrick Street and 423 ½ East Patrick Street are zoned Light Industrial (M1) and are part of the Airport Overlay (AO) zoning district. A ±0.675-acre portion of 423B East Patrick Street is also designated with a Historic Preservation Overlay (HPO).

On January 27, 2020, Harris Smariga & Associates, Inc., on behalf of Wayside Apartments LLC, the owner of the Property, filed with the Planning Division an application to amend the official zoning maps by rezoning 423A, 423B, and a portion of 423 ½ East Patrick Street to the Mixed

Use (MU-2) floating zone (replacing the DB and M1 zones, respectively) and by rezoning 423B East Patrick Street and a ±0.33-acre portion of 423 ½ East Patrick to the CCO zone.

The Property is immediately adjacent to certain property owned by the City of Frederick and depicted on a plat of record entitled "Sites J & K Remaining Lands of City of Frederick" (Plat Book 80, Page 124), hereinafter "Sites J & K".

The Planning Commission held duly advertised public hearings on the proposed rezoning of the Property on October 12, 2020 and November 9, 2020. At the conclusion of the November 9, 2020 public hearing, the Planning Commission recommended that the Board of Aldermen approve the rezoning as described in the application submitted.

During a workshop discussion on December 9, 2020, the Board of Aldermen came to a general consensus as to the desirability of conditions of approval relating to connections between the Property and Sites J & K. On January 7, 2021, the Board of Aldermen held a duly advertised public hearing on the proposed rezoning of the Property as described herein, for the specific purpose of considering conditions of approval of such rezoning.

At the conclusion of the January 7, 2021 hearing, in accordance with LMC § 307(b), the Board of Aldermen decided by majority vote to impose certain conditions of approval relating to Sites J & K. The Planning Division notified the applicant of such decision by letter dated January 11, 2021 and the applicant notified the Board of Aldermen of its acceptance of the conditions by letter dated February 12, 2021. On March 4, 2021, the Board of Aldermen held a public hearing for the purpose of approving an ordinance to rezone the property with the aforementioned conditions.

**SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK,** That in accordance with Section 306 of the LMC and based upon review and consideration of the application materials, staff reports, and all other testimonial and documentary evidence, the Board of Aldermen hereby finds as follows:

- (1) Generally, the proposed land uses, buildings and structures are compatible with each other and with and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the City of Frederick, and all other applicable requirements have been met.
- (2) With respect to the rezoning of 423A, 423B, and a portion of 423 ½ East Patrick Street to the Mixed Use (MU-2) floating zone:
  - (A) The proposed multifamily use is permitted in the MU-2 zone. The criteria for development in the mixed-use districts have been considered, and further compliance with all the applicable criteria of LMC Section 417 will be evaluated through subsequent development process.
  - (B) The proposed construction of multifamily residential uses is compatible with the character of the existing uses in the vicinity, which include a variety of residential and nonresidential land uses.
  - (C) The proposed rezoning will increase the potential residential population.
  - ~~(D)~~ The proposed development has been evaluated for its impacts on public facilities in accordance with the Chapter 19 of the City Code, known as the Adequate Public



Facilities Ordinance, and it has been determined that the site will be adequately served by public facilities or is within the thresholds acceptable to mitigate for inadequate infrastructure.

- (E) The proposed development is located on an existing road classified as an Urban Minor Arterial per the 2010 Comprehensive Plan, 2030 Roadway Classification Map and there are no other comprehensively planned roads impacting the properties.
  - (F) The proposed rezoning is harmony with and supported by the Land Use, Municipal Growth, Heritage Resources, Housing, and Community Character and Design Elements of the 2010 Comprehensive Plan.
- (3) With respect to the rezoning 423B East Patrick Street and a  $\pm 0.33$ -acre portion of 423  $\frac{1}{2}$  East Patrick to the CCO zone:
- (A) The proposed rezoning will further the purpose of the CCO district by subjecting development on the properties which are in close proximity to the Carroll Creek Linear Park to the design and architectural standards contained therein.
  - (B) The proposed rezoning will further the goals and objectives of the Land Use, Heritage Resource, and Community Character and Design Elements of the 2010 Comprehensive Plan.

**SECTION II. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK,** That the Code of the City of Frederick, 1966 (as amended), Appendix A, Land Management Code, Section 402, be repealed and reenacted, with amendments, as shown on Exhibit A attached hereto and incorporated herein by this reference, and as further described as follows:

- (1) The  $\pm 2.69$ -acre parcel comprising 423A, 423B, and a  $\pm 0.33$ -acre portion of 423  $\frac{1}{2}$  East Patrick Street is hereby rezoned to the Mixed Use (MU-2) floating zone, while retaining the existing Airport Overlay (AO) and Historic Preservation Overlay (HPO) designations, as more particularly shown and described on Exhibit A, subject to the following conditions:
  - (A) That prior to unconditional approval of the final site plan for the development of the foregoing property, the Applicant record an easement that provides an access point sufficient for emergency access (as determined by the City's Department of Public Works) to Sites J & K, and that said easement area be depicted on the final site plan.
  - (B) That the Applicant incorporate into the site plan design a pedestrian connection between Sites J & K and the sidewalks/pathways interior to the subject property.
- (2) The Carroll Creek Overlay (CCO) district boundaries are hereby expanded to include 423B East Patrick Street and a  $\pm 0.33$ -acre portion of 423  $\frac{1}{2}$  East Patrick Street, as more particularly shown and described on Exhibit A.

**SECTION III. AND BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN,** That in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining

provision, section, sentence, clause or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

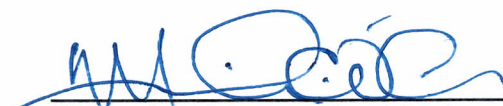
**SECTION IV. AND BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMENT**, That this ordinance shall take effect on March 14, 2021, and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

**APPROVED: March 4, 2021**

**PASSED: March 4, 2021**

A handwritten signature in blue ink, appearing to read "M. O'Connor", written over a horizontal line.

**Michael O'Connor, Mayor  
Board of Aldermen**

A handwritten signature in blue ink, appearing to read "M. O'Connor", written over a horizontal line.

**Michael O'Connor, President,**

**Approved for Legal Sufficiency:**

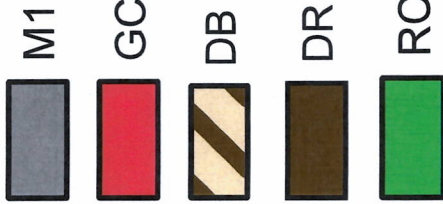
A handwritten signature in blue ink, appearing to read "Sandra A. Nichols", written over a horizontal line.

**City Attorney**

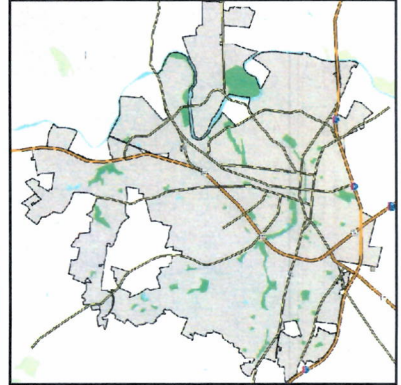


# FREDERICK MARYLAND

Base Zoning  
423 A, B, 1/2 E Patrick St  
PC20-99ZMA



101 N Court St.  
Frederick, MD 21701  
301-600-6209  
[www.cityoffrederickmd.gov](http://www.cityoffrederickmd.gov)



Note: This map is prepared solely for the purpose of illustrating the City of Frederick. It should be used for no other purpose. Data on this map was prepared from several original sources and is subject to change as source data changes. This map is not a legal document. Aerial Imagery produced 2018





# FREDERICK

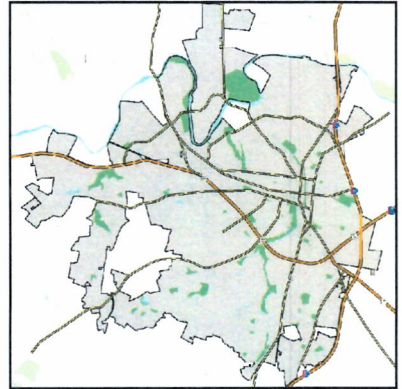
MARYLAND

## Floating/Overlay Zone 423 A, B, 1/2 W Patrick St PC20-99ZMA

- MU2 (Mixed Use)
- PRK
- M1
- GC
- DB
- DR
- CCO Zone
- HPO



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